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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MATTHEW HOUSTON,

Plaintiff,

v.

JERRY HOWELL, *et al.*,

Defendants.

Case No. 2:19-cv-01371-JAD-DJA

ORDER

I. DISCUSSION

On August 8, 2019, Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and filed an incomplete application to proceed *in forma pauperis*. (ECF No. 1, 1-1). On August 13, 2019, the Court informed Plaintiff that his application to proceed *in forma pauperis* was incomplete because Plaintiff had not submitted a properly executed financial certificate or an inmate account statement with his application. The Court ordered him to file a complete application to proceed *in forma pauperis*, including the required financial documents, within thirty days. (ECF No. 2). On August 22, 2019 Plaintiff’s submitted another incomplete application to proceed *in forma pauperis*, once again failing to attach a properly executed financial certificate and an inmate account statement with his application. (ECF No. 4).

1 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must
2 complete an application to proceed *in forma pauperis* and attach both an inmate account
3 statement for the past six months and a properly executed financial certificate. Plaintiff
4 has failed to do so. Therefore, the second *in forma pauperis* application (ECF No. 4) is
5 denied. The Court will give Plaintiff one final chance to either pay the complete filing fee
6 or file a complete application to proceed *in forma pauperis*, including a properly executed
7 financial certificate or an inmate account statement with his application. The Court will
8 retain Plaintiff's civil rights complaint, but will not file it until this matter is resolved.

9 **II. CONCLUSION**

10 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
11 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

12 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
13 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
14 document entitled information and instructions for filing an *in forma pauperis* application.

15 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
16 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* on
17 the correct form with both an inmate account statement for the past six months and a
18 properly executed financial certificate, in compliance with 28 U.S.C. § 1915(a); or (2) pay
19 the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
20 administrative fee).

21 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
22 dismissal of this action will result.

23 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint
24 (ECF No. 1-1), but shall not file it at this time.

25 DATED THIS 28th day of August 2019.

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28 DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE